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EXPRESS MAIL NO. EL897857025US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald S. Karanewsky et al.  
Application No. : 09/765,105  
Filed : January 16, 2001  
For : C-TERMINAL MODIFIED OXAMYL DEPEPTIDES AS  
INHIBITORS OF THE ICE/CED-3 FAMILY OF CYSTEINE  
PROTEASES

Docket No. : 480140.442C1

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints George C. Rondeau, Jr., Reg. No. 28,893; David H. Deits, Reg. No. 28,066; William O. Ferron, Jr., Reg. No. 30,633; Richard G. Sharkey, Reg. No. 32,629; David V. Carlson, Reg. No. 31,153; Karl R. Hermanns, Reg. No. 33,507; Michael J. Donohue, Reg. No. 35,859; Jane E. R. Potter, Reg. No. 33,332; Robert Iannucci, Reg. No. 33,514; Lorraine Linford, Reg. No. 35,939; David W. Parker, Reg. No. 37,414; E. Russell Tarleton, Reg. No. 31,800; Ellen M. Bierman, Reg. No. 38,079; Brian G. Bodine, Reg. No. 40,520; Robert M. Ward, Reg. No. 26,517; Frank Abramonte, Reg. No. 38,066; Kevin S. Costanza, Reg. No. 37,801; Thomas E. Loop, Reg. No. 42,810; Stephen J. Rosenman, Reg. No. 43,058; Brian L. Johnson, Reg. No. 40,033; Susan D. Betcher, Reg. No. 43,498; William T. Christiansen, Reg. No. 44,614; Eric J. Gash, Reg. No. 46,274; Jeffrey C. Pepe, Reg. No. 46,985; Charles J. Rupnick, Reg. No. 43,068; Timothy L. Boller, Reg. No. 47,435; and James M. Verna, Reg. No. 33,287; comprising the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls to Karl R. Hermanns at (206) 622-4900 and telecopies to (206) 682-6031.

Please direct all communications to:



00500

PATENT TRADEMARK OFFICE

Karl R. Hermanns  
Seed Intellectual Property Law Group PLLC  
701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Idun Pharmaceuticals, Inc., filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Idun Pharmaceuticals, Inc.  
ASSIGNEE

6/20/01

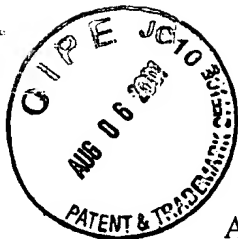
DATE

Kevin J. Tomaselli, Ph.D.  
Vice President of Science and Technology

Enclosure:

Copy of Assignment

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## DECLARATION

As the below-named inventors, we declare that:

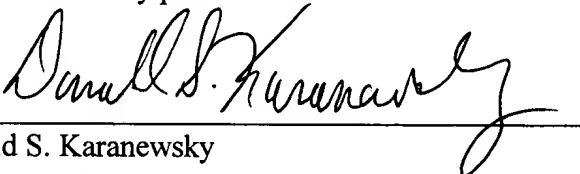
Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first and joint inventors of the invention entitled "C-TERMINAL MODIFIED OXAMYL DIPEPTIDES AS INHIBITORS OF THE ICE/CED-3 FAMILY OF CYSTEINE PROTEASES," which is described and claimed in the specification and claims of C-I-P Application No. 09/765,105, which we filed in the United States Patent and Trademark Office on January 16, 2001 and for which a patent is sought; and that this application in part discloses and claims subject matter disclosed in our earlier-filed U.S. Application No. 09/745,204 filed December 19, 2000 and U.S. Application No. 09/177,549 filed October 22, 1998, and claims the benefit of PCT Application No. PCT/US99/15074 filed July 1, 1999 and Provisional Application No. 60/091,689 filed July 2, 1998.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which occurred between the filing date of said earlier-filed applications and the filing date of the C-I-P application.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Donald S. Karanewsky

Date 06-20-01

Residence : City of Escondido, County of San Diego  
State of California  
Citizenship : United States of America  
P.O. Address : 1797 Continental Lane  
Escondido, California 92029

Robert J. Ternansky  
Robert J. Ternansky

Date 06-21-01

Residence : City of Carlsbad, County of San Diego  
State of California

Citizenship : United States of America

P.O. Address : ~~3469 Camino Valencia~~ 4215 SHOREPOINTE WAY  
~~Carlsbad, California 92009~~ SAN DIEGO, CA 92130 RJS

Steven D. Linton  
Steven D. Linton

Date June 20, 2001

Residence : City of San Diego, County of San Diego  
State of California

Citizenship : United States of America

P.O. Address : 11320 Red Cedar Drive  
San Diego, California 92131

Thang Dinh  
Thang Dinh

Date 06-20-2001

Residence : City of Garden Grove, County of Orange  
State of California

Citizenship : United States of America

P.O. Address : 11531 College Avenue  
Garden Grove, California 92804

## ASSIGNMENT

WHEREAS, we, Donald S. Karanewsky, Robert J. Ternansky, Steven D. Linton and Thang Dinh (hereinafter referred to as ASSIGNORS), having post office addresses of 1797 Continental Lane, Escondido, California 92029; 3469 Camino Valencia, Carlsbad, California 92009; 11320 Red Cedar Drive, San Diego, California 92131; and 11531 College Avenue, Garden Grove, California 92804, respectively, are the joint inventors of an invention entitled "C-TERMINAL MODIFIED OXAMYL DIPEPTIDES AS INHIBITORS OF THE ICE/CED-3 FAMILY OF CYSTEINE PROTEASES," as described and claimed in the specification forming part of a continuation-in-part application for United States letters patent which was filed on January 16, 2001 and assigned Application No. 09/765,105; this application is a continuation-in-part of U.S. Application No. 09/745,204 filed December 19, 2000 and U.S. Application No. 09/177,549 filed October 22, 1998, and claims the benefit of PCT Application No. PCT/US99/15074 filed July 1, 1999 and Provisional Application No. 60/091,689 filed July 2, 1998.

WHEREAS, Idun Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 9380 Judicial Drive, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents

required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

06-20-01  
Date \_\_\_\_\_  
State of California )  
County of San Diego ) ss.  
Donald S. Karanewsky  
Donald S. Karanewsky

I certify that I know or have satisfactory evidence that Donald S. Karanewsky is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 6-20-01  
Signature of Notary Public Judith A. Dryden  
Printed Name Judith A. Dryden  
My appointment expires 01-01-05

06-21-01  
Date \_\_\_\_\_  
State of California )  
County of San Diego ) ss.  
Robert J. Ternansky  
Robert J. Ternansky

I certify that I know or have satisfactory evidence that Robert J. Ternansky is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 6-21-01  
Signature of Notary Public Judith A. Dryden  
Printed Name Judith A. Dryden  
My appointment expires 01-01-05

Date June 20, 2001 Steven D. Linton  
Steven D. Linton

State of California )  
County of San Diego ) ss.

I certify that I know or have satisfactory evidence that Steven D. Linton is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 6-20-2001  
Signature of Notary Public Judith A. Dryden  
Printed Name Judith A. Dryden  
My appointment expires 1-01-05

06-20-2001 Thang Dinh  
Date Thang Dinh  
State of California )  
County of San Diego ) ss.

I certify that I know or have satisfactory evidence that Thang Dinh is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 6-20-01  
Signature of Notary Public Judith A. Dryden  
Printed Name Judith A. Dryden  
My appointment expires 1-1-05

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

California

} ss.

On 6-21-01

Date

, before me,

Judith A. Dryden, Notary

Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared

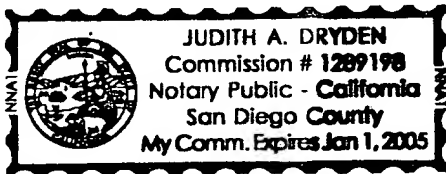
Robert G. Karanewsky

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Judith A. Dryden

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document:

S. Linton, D. Karanewsky, J. Dink

Document Date:

7-1-99

Number of Pages:

3

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

☐ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

SS.

On

6-20-01

Date

before me,

Judith A. Dryden, Notary

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

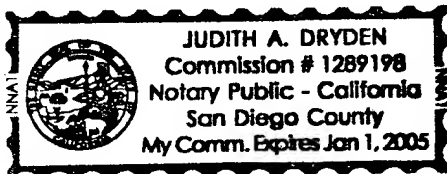
Stewart D. Sutor

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Judith A. Dryden

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document:

patent assignment

Document Date:

7-1-99

Number of Pages:

3

Signer(s) Other Than Named Above:

T. Dink, R. Terzowsky, D. Karanowsky

### Capacity(ies) Claimed by Signer

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

SS.

On

Date

June 20, 2001

before me,

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Judith A. Dryden, Notary

personally appeared

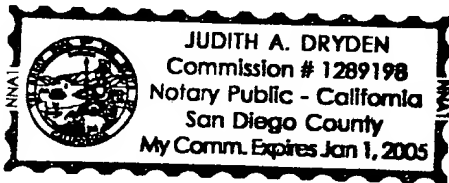
Name(s) of Signer(s)

Donald S. Karanewsky

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Place Notary Seal Above

Judith A. Dryden  
Signature of Notary Public

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S. Linton, T. Dinh, R. Ternawsky

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☐ Individual

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

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State of California

County of

California

} ss.

On

Date

June 20, 2001

before me,

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

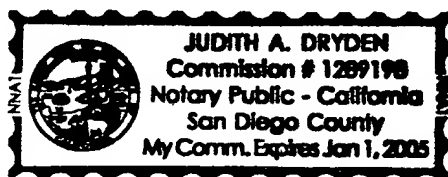
Judith A. Dryden, Notary

personally appeared

Name(s) of Signer(s)

THANG DINH

- ☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Judith A. Dryden  
Signature of Notary Public

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S. Linton, D. Karanowsky, R. Forman

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here